

MINUTES
SANDY CITY COUNCIL MEETING
Sandy City Hall - Council Chamber Room #211
10000 Centennial Parkway
Sandy, Utah 84070

August 28, 2007

Meeting was commenced at 7:05 p.m.

PRESENT:

Council Members: Chairman Bryant Anderson, Vice Chairman Chris McCandless, Scott Cowdell, Linda Martinez Saville, Stephen Smith, and Dennis Tenney

Others in Attendance: CAO Byron Jorgenson; City Attorney Walter Miller; Community Development Director Mike Coulam; Public Utilities Director Shane Pace; Public Works Director Rick Smith; Economic Development Director Randy Sant; Deputy to the Mayor John Hiskey; Police Chief Stephen Chapman; Fire Chief Don Chase; Parks & Recreation Director Nancy Shay; Administrative Services Director Art Hunter; Council Office Director Phil Glenn; Council Executive Secretary Wendy Densley

ABSENT/EXCUSED: Mayor Tom Dolan, Councilman Steve Fairbanks

1. OPENING REMARKS/PRAYER/PLEDGE:

The Prayer was offered by Boy Scout Phillip VanOttten of Troop #178, and the Pledge was led by Dallin Hicken, also of Troop #178.

2. CITIZEN(S) COMMENTS:

a. **Gary Ricci**, 9461 S. Tramway Dr., apologized for not understanding the format of the planning session held earlier this evening. He summarized a letter he had prepared for the council, stating that as a Sandy City resident, he believes that it is the City's obligation to accept the proposed changes to the noise code and ordinance to change them. He feels that the amount of the fines is not deterring any of the offenders, and feels that there is a need to raise fines. He asked that the City take the time to make an effort to resolve the problems with this noise ordinance. He then explained that he is here for the good of the community. He feels that everyone in the Sandy City community could benefit from this change.

Scott Cowdell asked City Attorney Walter Miller if fines were set by State statute on the maximum amount that can be fined.

Walter Miller reported that State Statute sets the maximum amount within that statute, the Court adopts a Bail Schedule, a standard set of fines to adhere to. He explained that they generally like to stay at a certain level, but reported that it is possible to approach the court if any adjustments need to be made.

Bryant Anderson explained to Mr. Ricci that the City's following the proper process in handling this issue. In the planning session tonight, staff was asked to look at the items that were brought to the City's attention in the community meeting of August 9th.

PUBLIC HEARING(S):

3. Sensitive Area Overlay Zone District

Public Hearing to consider the following: A Code Amendment to Section 15-08-03, Sensitive Area Overlay Zone District, Title 15, Land Development Code, Revised Ordinances of Sandy City. The proposed code amendment is to revise the regulations for development within the Sensitive Area Overlay Zone District.

Discussion:

Brian McCuistion gave a report on the proposed code amendment, with staff recommendations.

BACKGROUND

The Sandy City Community Development Department has filed a request to amend Section 15-08-03, Sensitive Area Overlay Zone District - Title 15, Land Development Code, Revised Ordinances

of Sandy City. Sandy City adopted the first Sensitive Area Overlay Zone ordinance in 1979 and then revised it in 1987. There have been some minor revisions over the past few years. However, for the most part, this has been a very good ordinance. The reason for the proposed changes is to make sure that we provide a fair and equitable review process for every development project that is reviewed within the Sensitive Area Overlay Zone.

PROPOSAL

It is proposed to amend Section 15-08-03, Sensitive Area Overlay Zone District. Specifically, the proposed ordinance amendment indicates what information is needed for a complete submittal and it outlines the process of review for all developments within sensitive areas. The code amendment also includes some revisions to the development standards (e.g. usable land, impervious material coverage, fire protection, and streets and ways). Lastly, this code amendment addresses special exceptions that staff and the Planning Commission may review. These include building on previously platted lots, previously disturbed or developed slopes, and the determination of anomalies for 30 percent or greater slopes.

NON-CONFORMING USES

The proposed ordinance amendment will not create any non-conforming uses within Sandy City.

LAND DEVELOPMENT CODE PURPOSE COMPLIANCE

The Sandy City Land Development Code in §15-01-03 lists the nine criteria explaining the intent and purpose of the Ordinance. The purpose and criteria are:

15-01-03 Purpose

This Code shall establish Zone Districts within Sandy City. It shall provide regulations within said districts with respect to the use, location, height of buildings and structures, the use of land, the size of lots, yards and other open spaces, and the density of population. This Code shall provide methods of administration and enforcement and provide penalties for the violation thereof. It shall establish boards and commissions and define their powers and duties. It shall also provide for planned development within Sandy City. Specifically, this Code is established to promote the following purposes:

General

1. To enhance the economic well-being of Sandy City and its inhabitants;
2. To stabilize property values;
3. To facilitate adequate provision for transportation, water, sewage, schools, parks and other public requirements;
4. To facilitate the orderly growth and development of Sandy City;

Implementation of General Plan

5. To coordinate and ensure the execution of the City's General Plan through effective implementation of development review requirements, adequate facility and services review and other goals, policies or programs contained in the General Plan.

Comprehensive, Consistent and Equitable Regulations

6. To establish a system of fair, comprehensive, consistent and equitable regulations, standards and procedures for review and approval of all proposed land development within the City.

Efficiently and Effectively Managed Procedures

7. To promote fair procedures that are efficient and effective in terms of time and expense;
8. To be effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed and elected officials; and
9. To foster a positive customer service attitude and to respect the rights of all applicants and affected citizens.

The proposed ordinance amendment is consistent with the purpose of statement #6. These provisions would allow for a system of fair, comprehensive, consistent and equitable regulations, standards and procedures that are required of all proposed development within Sandy City.

GENERAL PLAN COMPLIANCE

The General Plan encourages appropriate development standards for all uses and zoning categories within Sandy City.

OTHER

As you are aware, City staff is in the process of re-writing the entire development code. Staff reviewed this section and passed the corrections on to the second committee (including Planning Commissioners and City Council members) that is currently reviewing the code. The second committee has also discussed this section a number of times. Since that time we have dealt with some projects that have caused us to think a little differently about reviewing the Sensitive Area Overlay Zone ordinance. There has been another committee that has re-looked at this section again and is recommending the proposed ordinance change. This committee of City staff thought it would be appropriate to amend this section of the code prior to the adoption of the new development code.

STAFF RECOMMENDATION

The Community Development Department respectfully requests that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed ordinance amendment for the following reasons:

1. Compliance with the Purpose of the Land Development Code, specifically purpose statement #6 by promoting fair and equitable regulations, standards and procedures for review and approval of all proposed land development within the City.
2. Compliance with the Goals and Policies of the General Plan by promoting regulations that provide for orderly and efficient development which will be compatible with the natural and built environment.

Mike Coulam reported on a Salt Lake Tribune article that was written about the Mayor's Committee on Geologic Hazards. He explained that the committee is working with cities and counties to deal with geology in their communities to come up with a model ordinance. He explained that the City may find that the committee may impose some changes to this ordinance, but said that the Community Development and Planning Commission feel good about this proposed change and feel that it gives us the tools to work with in the future. We have made a few changes to this ordinance to address the current situation. He then thanked Mike Gladbach, City Engineer, Rick Smith, Public Works Director, Chief Chase, Fire, and other staff members who helped put this together.

Chris McCandless reported that this would be a great benefit for the city, and supports this amendment as a council member and as a developer.

Chairman Tenney opened the public hearing for public comments.

- a. **Patricia Yamamoto**, 8031 Maio Court, reported that she represents the neighborhood of Oakwood Estates located at approximately 8000 S. 1600 E., also known as the Curtis project. She reported that there is some sensitive hillside area in that development. She reported that there has been some concern expressed by the residents around that development about the integrity of the land, that will be cut into to create 8 subdivision lots.

Brian McCuistion reported that several conversations have occurred with Patricia and many other residents about this project. A report hasn't been submitted yet, they are talking with the developer through our development review team, just waiting for him to submit. He does have a copy of the draft code amendment.

Steve Smith said that since this developer has not yet made application, with this ordinance being adopted, he would be subject to this provisions of this new ordinance.

Chairman Tenney closed the public hearing.

Motion: Dennis Tenney made a motion to have paperwork brought back to adopt the recommended code amendment to section 15-08-03, Sensitive Area Overlay Zone District, Title 15, Land Development Code to be formally adopted two weeks from tonight.

Second: Chris McCandless

Vote: Smith – Yes, McCandless- Yes, Cowdell- Yes, Tenney- Yes,
Saville- Yes, Anderson- Yes

Motion Approved: 6 in favor, one absent

4. Street Closure – Aspen Ridge Road

Public Hearing to consider the following: that the section of Aspen Ridge Road located between Spring Ridge Drive and the Sandy City/ Draper City border be vacated/closed and made available for sale to adjacent lots.

Discussion:

Mike Coulam gave a report on the street closure, with staff recommendations.

BACKGROUND

Mr. Barry Grzybowski, owner of the property at 1286 East Spring Ridge Drive, has requested that Sandy City close a portion of Aspen Ridge Road south of the junction with Spring Ridge Drive. The subject property is currently a paved and maintained public street that dead-ends into a commercial project located in Draper City.

Sandy City Ordinance requires that the Planning Commission review all requests to modify a public street, and to make a recommendation to the City Council. The City Council is required to hold a public hearing prior to the Mayor's making a final decision.

ANALYSIS

The proposed section of road to be closed is approximately 110 linear feet to the south of Spring Ridge Drive. The right-of-way is approximately 50 feet in width and dead-ends at the Sandy City/Draper City line.

According to City Engineer Mike Gladbach, the street was stubbed in during the development of the Eastridge Subdivision to ensure neighborhood connectivity. In the following years, the property to the south in Draper City was developed as a commercial shopping center and the stub street was effectively blocked off. In the opinion of Mr. Gladbach, the street could not be further developed due to the blockage on the Draper side and the steepness of the slope in that area.

There are public facilities located in the street right-of-way, including an electrical box and City water lines. These facilities will need to be removed, along with the pavement and concrete from the street itself. Mr. Gladbach has an estimate of the costs associated with this removal.

GENERAL PLAN COMPLIANCE

The closure of this section of right-of-way is consistent with the following Goal and Policy:

GOAL: Design transportation facilities to assure even and efficient traffic flow throughout the community.

POLICY: Conduct a continual evaluation of the road system to insure that proposed and existing road designs will adequately serve the functional needs of the community.

This section of right-of-way is not classified as a required street on the Sandy City Master Transportation Plan maps. Closure of this section of the street will not affect the implementation of the General Plan nor the required street system.

This street is not specifically identified as a necessary public facility or property for the necessary purposes of carrying out the General Plan. This closure also would not be contrary to the General Plan, nor is it necessary to carry out other City projects.

Citizen and Other issues

The City Council has set a policy that all request to modify a public right-of-way or other dedicated property be noticed as a vacation/closure. By holding a hearing under both options of either a vacation or a closure, it provides the Council with different options on how to dispose of the property. Under a vacation, State Law requires that the property vacated be given at no cost to the adjacent property owner(s). Under a closure, State Law provides that the property becomes real preoperty that the City can sell to any interested parties.

Staff Recommendation

Staff recommends that the Planning Commission forward a positive recommendation to the City Council to vacate/close a portion of the right-of-way at approximately 12200 S. Aspen Ridge Road (Aspen Ridge Road south of Spring Ridge Drive) to be described by legal description before presentation to the City Council for the following reasons:

- a. This right-of-way is not needed for regular vehicle traffic,
- b. The road has been blocked by commercial development on the other side of the City Limit line.
- c. The City currently maintains this road with has no real value for vehicle traffic.

Mike Coulam reported that there has been a legal opinion given to us from the State Property Rights Ombudsman, that states when property is given or dedicated to a city or government through a subdivision process, and later is no longer needed, it needs to be vacated. The Community Development recommendation is to vacate the road, subject to a number of conditions. Those conditions are that the property owner remove all asphalt and utilities, curb gutter and sidewalk and replace the curb, gutter and sidewalks.

Bryant Anderson asked if because of the legal opinion the City couldn't still close the road and sale the property.

Wally miller reported that in the past the City would try to close roads and sell the property. In some cases the Ombudsman's opinion would be to vacate the road and split it down the middle and give it to the adjoining property owners. He expressed his support of the Ombudsman's opinion and recommends vacating the road.

Steve Smith reported that when visiting the said property, he noticed an above ground utility box towards the back of the property and asked if that would be included in the cost to have those relocated.

Mike Coulam reported that the relocating of the utility box would be included in the cost, if there was need to do so. Mr. Coulam believes that the utility box is located in an existing utility easement, meaning the box would not need to be moved.

Chris McCandless expressed his support for vacation of the road, instead of closing and selling the property. He asked if thought had been given to a requirement for a completion of the bond for the improvements.

Mike Coulam reported that there has been no discussion on bonds yet, that getting the approval for vacating the road was the first step.

Chairman Anderson opened the public hearing for public comments. There were no public comments, **Chairman Anderson closed the public hearing.**

Motion: Dennis Tenney made a motion to forward a positive recommendation to the Mayor to vacate this property as recommended.
Second: Chris McCandless

Discussion on the Motion:

Steve Smith asked if the motion could include the qualifications or conditions that the staff laid out.

Amended motion: Dennis Tenney made a motion to forward a positive recommendation to the Mayor to vacate this property subject to completion of the conditions as recommended by staff.

Vote: McCandless- Yes, Tenney- Yes, Cowdell – Yes, Smith – Yes, Saville- Yes, Anderson – Yes

Motion Approved: 6 in favor, one member absent.

COUNCIL ITEMS(S):

5. **Lauren Gardens II Rezoning**

Ordinance #07-27 – rezoning approximately .99 acres of property located at approximately 576 East 11000 South, from the R-1-40A “Residential District” to the R-1-15 “Residential District”.

Motion: Dennis Tenney made a motion to adopt ordinance #07-27 rezoning approximately .99 acres of property located at approximately 576 East 10000 South, from the R-1-40A “Residential District” to the R-1-15 “Residential District”.

Second: Chris McCandless

Vote: Saville- Yes, Smith – Yes, McCandless- Yes, Tenney- Yes, Cowdell- Yes, Anderson- Yes

Motion Approved: 6 in favor, one member absent.

6. **Funds Transfer [\$2,000 – After School Programs Feasibility Research - Intern]**

Resolution # 07- 44C – transferring funds within the General Fund

Motion: Chris McCandless made a motion to approve Resolution #07-44C transferring funds within the General Fund for After School Program Feasibility Research – Intern.

Second: Steve Smith

Discussion on the motion:

Bryant Anderson asked if this ties into the community centers the staff were researching. He reported that when he ran some very rough numbers the cost of those centers over a 10 year period, came close to millions of dollars.

Chris McCandless explained to Chairman Anderson that this \$2,000 was allocated specifically to verify the validity of the conclusions of the study group with regard to the needs analysis, and he explained this was not going to identify specific programs or facilities. He reported that identifying

those specific programs and facilities would be a next step after we have determined there is a specific need. Once the intern is done and the study completed the council may continue to find out whether or not it is feasible for the city to expand these programs in sandy in a cost effective manor.

Bryant Anderson expressed his concern that this is part of committing the millions of dollars for the community centers.

Byron Jorgenson explained that approving this resolution would not be committing the millions, He reported that this is just one small study to see if the needs are there for after school programs. There are a number of steps to this before we commit any expenditure, and feels that approving this would help give us that information.

Scott Cowdell called a question on the motion. All members in favor.

Vote: Smith – Yes, McCandless- Yes, Tenney- Yes, Cowdell- Yes,
Saville- Yes, Anderson- Yes

Motion Approved: 6 in favor, one member absent

7. **Re-certification of the Sandy City Municipal Justice Court**
Resolution #07-43C – requesting the re-certification of the Sandy City Municipal Justice Court.

Motion: Dennis Tenney made a motion to adopt resolution #07-43C requesting the re-certification of the Sandy City Municipal Justive Court.

Second: Linda Martinez-Saville

Discussion on the motion:

Steve Smith asked Walter Miller if there was a study being done state wide of protocols for Justice Courts, and if it would have an impact on certification in the future.

Walter Miller the certification is required every 4 years.

Jay Carey, Sandy Justice Court, reported that that study is more towards how judges will be selected for justice courts and how they would be re-appointed or subject to election. This doesn't affect the justice court itself. By state statute each court has to go through re-certification every 4 years.

Bryant Anderson asked if this study was being done by the legislature.

Jay Carey reported that the State Judicial Council, comprised of supreme court justices and other court officials, has been doing a study and there have been some concerns with some of the justice courts. These perceptions being that some are looking at the justice court as being revenue generators, and not just for the safety of the community. The Justice Courts have put together a number of proposals they presented to the judicial council that gear toward protecting the independence of justice court judges. It will then be taken to the legislature with any changes found appropriate.

Vote: Tenney- Yes, Smith – Yes, McCandless- Yes, Cowdell- Yes,
Saville- Yes, Anderson- Yes

Motion Approved: 6 in favor, one member absent.

8. **Interlocal Agreement – School District Election**
Resolution #07-45C – ratification of a resolution authorizing the executions of an Interlocal Cooperation Agreement between the cities of Cottonwood Heights, Draper, Midvale, and Sandy for the purpose of submitting for voter approval a measure to create a new school district.

Discussion:

Phil Glenn explained that this item need not be considered and had been dealt with at the special meeting of the Monday previous.

Motion: Dennis Tenney made a motion to permanently table this item, due to the action taken on this resolution previously on August 27, 2007.

Second: Steve Smith

Vote: McCandless- Yes, Tenney- Yes, Cowdell – Yes, Smith – Yes, Saville- Yes, Fairbanks- Yes, Anderson – Yes

Motion Approved: 6 in favor, one member absent

MINUTES:

9. Approving the City Council Meeting Minutes dated **August 14, 2007**.

Motion: Dennis Tenney made a motion to approve City Council Meeting Minutes dated August 14, 2007 as written.

Second: Linda Martinez-Saville

Vote: The Council voted in the affirmative to the motion. All in Favor.

12. **COUNCIL OFFICE DIRECTOR'S REPORT**

- **Phil Glenn** gave an update on upcoming calendar items. He reminded the Council of the Utah League of Cities and Towns Annual Convention, being held September 12-14, 2007 in Salt Lake City.

13. **OTHER COUNCIL BUSINESS**

- **Chris McCandless** asked if it was possible to get an inventory of other cities' fines and ordinances that they have regarding noise violations. He also reported on the visit from our sister city. Reisa, Germany, and wanted to thank Trina Klinger and Korban Lee for all their help and service in hosting the visitors.

- **Scott Cowdell** asked if staff could do some research of other cities and their housing ordinances, he would like to get an idea of how other cities are handling housing issues.

- **Bryant Anderson** reported that he had meet with a group of residents of Dennis Tenney's district in the buttercup area. They showed Chairman Anderson of about 10 houses that have un-kept yards they are concerned about.

At approximately 8:15 p.m., Scott Cowdell made a motion to adjourn Council Meeting, motion seconded by Chris McCandless.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

Bryant F. Anderson
Council Chairman

Wendy Densley
Council Office Executive Secretary